IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.113 OF 2004

In

APPEAL NO.11 OF 2004

In

WRIT PETITION NO.1740 OF 1998

M/s.Estrella Batteries Limited : Appellant

V/s.

Maharashtra General Kamgar Union & Ors. : Respondents

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Mr.S.K.Talsania, senior counsel, i/b. M/s.Kanga & Co., for the appellant.

Mr.N.M.Ganguli for respondent no.1.

Mr.D.V.Deokar, 1st Assistant to Court Receiver (present).

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : OCTOBER 3, 2006.

P.C.

1. Mr.S.K.Talsania, senior counsel for the appellant, submits that in compliance with the order dated 1.9.2006, the appellant has not deposited the sum of Rs.5 crores with the Prothonotary & Senior Master within the time granted by this Court.

2. In the order dated 1.9.2006, it has been made clear that if the amount of Rs.5 crores, in addition to the deposit of Rs.2 crores already made, is not deposited, the ad-interim relief shall stand discharged. Since the appellant has failed to deposit Rs.5 crores, we are satisfied that there is no justification for staying the operation of the impugned order dated 19/20th September, 2003.

3. Notice of Motion is accordingly dismissed. The respondent no.1 is free to take appropriate steps for implementation of the judgement and order dated 19/20th September, 2003.

R.M. LODHA, J.

S.A. BOBDE, J.